

REMARKS

The Examiner's attention to the present application is noted with appreciation.

The Examiner objected to the specification for lack of headings, which has been corrected by amendment, above.

The Examiner rejected claims 1-13 under 35 U.S.C. § 112, second paragraph, as indefinite for a lack of antecedent basis issue. This has been corrected by amendment above, although Applicants submit that the issue is not an indefiniteness problem but rather an issue with respect to American claiming practice.

The Examiner rejected claims 1 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Platkowski, Jr. ("Platkowski"). The rejection is traversed.

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Platkowski in view of Wallrafen. The rejection is traversed.

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Platkowski in view of Wallrafen and Zanzucchi et al. ("Zanzucchi"). The rejection is traversed.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Platkowski in view of Wallrafen and Viegut et al. ("Viegut"). The rejection is traversed.

Applicant agrees that Piatkowski relates to an apparatus for generating an electrical signal indicative of the level of a liquid stored in a reservoir. The Piatkowski apparatus indeed teaches an essentially closed reservoir whereby a probe and electronic circuit assembly, generally designated by the numeral 16, is mounted on the reservoir 10. The assembly 16 includes probes 18 and 20 spaced from one another in the reservoir and extending vertically therein from the top to the bottom of the reservoir. Thus, the level of the water in the reservoir is easily determined because the liquid surrounds the probes 18 and 20 and contacts a portion of the surface area of the dielectric covering materials 28 and 40 thereof. As the liquid level changes, this dielectric material surface area of each probe contacted by the liquid

varies in like proportion. The capacitance between the probe electrodes 22 and 30 is directly proportional to this liquid contact area and hence increases in direct proportion to the level of the liquid 12 (see col. 2, lines 33-38, and col. 3, lines 22-33).

The teaching of Piatkowski is, therefore, that the probes should extend vertically from top to bottom of the reservoir to be able to measure the level of the liquid in the reservoir.

Piatkowski teaches away from the present invention. First, the apparatus of the invention does not merely measure the level of the liquid, but rather the volume of the liquid in a chamber. Second, the invention measures this volume of liquid in a manner quite contrary to the disclosure of Piatkowski. The present invention does not require electrodes extending from the top to the bottom of the chamber, but rather incorporates electrodes in the bottom of the chamber. This is neither taught nor suggested by Piatkowski alone or in combination with any of the cited references.

The Examiner's statement that the solution according to the invention is obviated by the phrase "extending vertically therein from the top to the bottom of the reservoir" is incorrect. The phrase within quotes means exactly what it says: according to Piatkowski, the probes must extend vertically from the top to the bottom of the reservoir. It does not say (nor suggest) that the probes may be incorporated in the bottom of the chamber.

Claims 1-13 are patentable over the prior art of record.

Being filed herewith is a Petition for Extension of Time to September 7, 2003, with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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